

Zoning Regulation Amendment Request Form

Howard County
Comprehensive Zoning Plan
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

A. Applicant Information

- 1 Applicant Name Talkin & Oh, LLP
- 2 Mailing street address or Post Office Box 5100 Dorsey Hall Drive
City, State Ellicott City, Maryland
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Telephone (Main) 410-964-0300 (Sang Oh)
Telephone (Secondary)
Fax 410-964-2008
3 E-Mail soh@talkin-oh.com

B. Representative Information (If different than above).

- 4 Name
Mailing street address or Post Office Box
City, State
ZIP
Telephone (Main)
Telephone (Secondary)
Fax
E-Mail
- 5 Association with Applicant



C. Brief Description of the Requested Zoning Regulation Amendment

- 6 To amend Section 113.3 of the Zoning Regulations for the I (Institutional) Overlay District to (1) add (i) Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities, and (ii) Schools, Colleges, Universities – Private (Academic) as conditional uses, and (2) remove the requirement that a development be served by public water and sewer.

D. Explanation of the Basis / Justification for the Requested Zoning Regulation Amendment

- 7 The purpose of the I district is to "permit community-serving institutional and cultural facilities." The uses permitted in the I district are intended to benefit the surrounding residential area. HOWARD COUNTY ZONING REGULATIONS § 113.3.A. In order to achieve these goals, the Zoning Regulations pertaining to the I district must be amended in order to incentivize development in this district and to allow the overlay to be applied to properties in the County's rural west.

See attached Continuation Sheet.

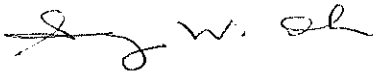
E. List of Attachments/Exhibits

- 8 1. Exhibit – Proposed Amendment Language. 2. Continuation Sheet.

F. Signatures

9 Applicant Sang W. Oh

Applicant (2)



Date 12-13-12

Date

☐

Additional applicant signatures? **X** the box to the left and attach a separate signature page.

10 Representative
Signature

Date

DPZ Use Only		Amendment No.	
Notes			

Exhibit – Proposed Amendment Language

Zoning Regulations Section 113.3.

B. General Provisions

3. ~~Any development in an I District must be served by public water and sewer.~~

F. Conditional Uses

4. CHILD DAY CARE CENTERS AND NURSERY SCHOOLS, DAY TREATMENT AND CARE FACILITIES
5. SCHOOLS, COLLEGES, UNIVERSITIES – PRIVATE (ACADEMIC)

Zoning Regulations Section 131.N.13

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, I, R-VH, HO, HC or M-2 Districts for day treatment and care facilities, child day care centers and nursery schools provided that:

...

Zoning Regulations Section 131.N.48

A conditional use may be granted in the RC, RR, R-20, R-ED, R-12, R-SC, R-SA-8, R-A-15, R-MH, ~~or~~ R-VH, OR I Districts for private academic schools, colleges and universities, (not including nursery schools) provided that:

...

Continuation Sheet

D. Explanation of the Basis / Justification for the Requested Zoning Regulation Amendment

- 7 The purpose of the I district is to "permit community-serving institutional and cultural facilities." The uses permitted in the I district are intended to benefit the surrounding residential area. HOWARD COUNTY ZONING REGULATIONS § 113.3.A. In order to achieve these goals, the Zoning Regulations pertaining to the I district must be amended in order to incentivize development in this district and to allow the overlay to be applied to properties in the County's rural west.

The day care center and private school conditional uses, when established in appropriate locations determined through the conditional use approval process, are appropriate for, and compatible with the purposes of, the I district. Furthermore, given that many institutional uses already exist in the rural west, the district's requirement of public water and sewer serves only to preclude residents of the west from realizing the Institutional district's potential benefits.

Addition of Day Care Center and Private School Conditional Uses

While the Zoning Regulations do not define "institution," several sections provide guidance as to what is meant by an institutional use. Section 133.D.7, which provides parking requirements for "[i]nstitutional and other uses," lists *day care centers*, funeral homes, hospitals, libraries, museums, art galleries, nursing homes, residential care facilities, post offices, religious facilities, and *private academic schools* under the institutional umbrella. Section 103.A.175 also defines "school, academic" as "[a]n institution which offers an academic course of instruction"

Given that the Zoning Regulations identify day care centers and academic schools as institutional uses, and that such uses benefit and serve local residential communities, day care center and private school conditional uses are appropriate for the Institutional district. While these uses have the potential to be more intensive than several of the uses currently allowed in the I district, the conditional use process will ensure that any such uses on a particular property will be compatible with adjoining and surrounding properties.

Providing these conditional uses could also incentivize use of the I district, which is underutilized in the County. Currently, there is little motivation to apply the I overlay to most residential parcels, as the uses permitted in the I district generally mirror those allowed in residential districts. As for commercial parcels, the most common Institutional district use, religious facilities, are already permitted in many commercial districts. In order to achieve the goals intended for the I district, additional community-serving institutional uses should be allowed that will advance the purposes of the district. Allowing day care centers and private schools that will serve the community, subject to conditional use approval, could encourage the use of the district and the development of properties that will meet the district's objectives.

Deletion of Public Water and Sewer Requirement

Though the Institutional district permits community-serving institutional and cultural facilities to benefit the surrounding residential area, the district cannot currently be utilized in the County's rural west due to the public water and sewer requirement. This requirement, however, is unnecessary due to the various County approvals required for I developments and given the fact that many institutional uses currently operate in the rural west.

In addition to public schools and libraries, private institutions such as the Woodmont Academy and numerous religious facilities have been successfully developed in the rural west in the absence of public water and sewer. While septic systems are generally thought to be less environmentally friendly and less suitable for larger developments, PlanHoward 2030 recognizes that such notions are not necessarily so.

"Septic systems are not a significant source of phosphorus, but they are a source of nitrogen. Nitrogen reductions from septic systems can be achieved by upgrading existing systems to include nitrogen reducing technologies. Another option is to connect properties with septic systems to [wastewater treatment plants] with [enhanced nutrient removal]." PlanHoward 2030, p. 17.

With the environmental improvements provided by current septic systems, the requirement of public water and sewer does little beyond preventing the rural west from realizing the benefits of the I district. Furthermore, the appropriate standard should not be whether a property is served by public water and sewer, but rather whether the property has the capability to adequately support the requested development. This standard is already ensured by the public approval process of the district.

The Zoning Board must approve the I overlay for a particular property. If the Zoning Board approves the I district, the Zoning Regulations require a development plan to be submitted and approved by the Department of Planning and Zoning before the proposed use could commence.

If a property's lack of public water and sewer would cause a property to be unsuitable for the proposed Institutional development, the Zoning Board and Department and Planning and Zoning could factor that aspect into its evaluation of the proposal and simply deny the rezoning or development request. If, on the other hand, the proposed development is an appropriate use of the property and would benefit the nearby residential community, it should not be denied simply because it is on well and septic. The presence or absence of public water and sewer is a factor that should be weighed in the ultimate determination. It should not be a determinative, preclusive criterion given the success of established institutional uses in the rural west.